

Remarks

1. Summary of Office Action

In the Office Action mailed September 7, 2005, the Examiner rejected claim 1 under 35 U.S.C. § 112 as being allegedly indefinite, the Examiner rejected claims 1-12, and 14 under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 6,880,171 (Ahmad et al), and the Examiner rejected claim 13 under 35 U.S.C. § 103(a) as being allegedly obvious over a combination of Ahmad and U.S. Patent No. 6,851,060 (Shrader).

2. Response to Restriction Requirement

The Examiner required Applicant to restrict prosecution to either claims 1-14 or claims 15-27. During a brief telephone conversation between the Examiner and the undersigned on August 23, 2005, Applicant elected to proceed with prosecution of claims 1-14.

3. Status of the Claims

Presently pending and under examination are claims 1-14, of which claim 1 is independent and the remainder are dependent.

4. Response to § 112 Rejection

As noted above, the Examiner rejected various claims under § 112 as being allegedly indefinite, in that the claims used the term "formatted for a first presentation mode" (and presumably in that the claims used the term "formatted for a second presentation mode" as well). Applicant submits that the meaning of these claim terms is clear – namely, that the content is formatted for the first or second presentation mode. However, to further clarify without changing the intended scope or meaning of the claims, Applicant has amended claim 1 and various dependent claims to instead recite that the content is "in a first presentation mode format" or "in a second presentation mode format."

5. Response to § 102 Rejections

As noted above, the Examiner rejected claims 1-12, and 14 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,880,171 (Ahmad et al). Under M.P.E.P. § 2131, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Applicant respectfully traverses the rejection of claims 1-12, and 14 because Ahmad does not disclose or suggest each and every element of any of these claims.

The presently claimed invention is directed to a method for multi-modal content delivery. The invention involves storing a state associated with a client device so that the state is not lost when the client device switches from a first presentation mode format to a second presentation mode format.

A. Independent Claim 1

Independent claim 1 recites a method of multi-modal content delivery comprising (i) establishing a session between a server and a client device, (ii) while in a state of the session, delivering content in a first presentation mode format, to the client device, the content being associated with the state, (iii) receiving a mode-switching signal from the client device, and (iv) in response to the mode-switching signal, continuing the session in the state by delivering the content in a second presentation mode format, to the client device, wherein the second presentation mode format is different from the first presentation mode format.

Upon review, the Applicant does not find in Ahmad the specific combination of elements recited in claim 1. Specifically, Ahmad does not teach the element of, in response to a mode-switching signal, continuing the session in a state by delivering content in a second presentation mode format, to the client device, wherein the second presentation mode format is different from

the first presentation mode format. In addition, Ahmad does not teach the element of receiving a mode-switching signal from the client device.

Ahmad does not disclose a system that is capable of delivering content in a first and second presentation mode format. In the present invention, “presentation mode” refers to the way a user-interface of a client device presents content to the user (p. 2 lines 19-20). Therefore, to continue a session in a second presentation mode format, different than a first presentation mode format, the content is formatted so that the user-interface of the client device can present content in a different presentation mode. As discussed in the specification, examples of different presentation modes include a screen-based presentation mode or a voice-based presentation mode (p. 3 lines 4-10).

More specifically, Ahmad teaches a user-interface that operates using only a single presentation mode, a graphical user-interface (GUI) (col. 14 line 21 – col. 15 line 6) or in an alternative embodiment, a button and knob based user-interface (col. 19 line 57 – col. 20 line 31). The user-interface may allow the user to control one or more displays, to which content may be delivered in multiple formats, but the user-interface itself presents information in a single presentation mode, using a GUI. The GUI is simply an example of a screen-based presentation mode. Since Ahmad only teaches a user-interface that operates in a single presentation mode, Ahmad does not teach or suggest a system that is capable of continuing a session by delivering content in a second presentation mode format.

Since Ahmad does not teach continuing a session by delivering content in a second presentation mode format, Ahmad lacks much of the functionality provided by the present invention. Referring to the specification, the present invention allows a user who has input some information (e.g. name, credit card number, but not an address) in a screen-based presentation

mode via text, to continue inputting information (their address, for example) in a voice-based presentation mode (p. 9 lines 2-25). Continuing in a voice-based presentation mode, the device would prompt the user for their address using speech, and the user could subsequently enter their address by speaking. Quite simply, the system of Ahmad does not allow this change in the way content is formatted for, and presented by, the user-interface of the client device.

Moreover, because Ahmad delivers content in only a screen-based presentation mode format, Ahmad never receives a mode-switching signal. Since Ahmad uses a single presentation mode format, Ahmad never changes presentation mode formats. As such, no need exists for a device to send and the system to receive, a mode-switching signal. Therefore, Ahmad also fails to teach the element of receiving a mode-switching signal from the client device.

Because Ahmad does not teach all of the elements of claim 1, Applicant submits that Ahmad fails to anticipate claim 1. Further, because claims 2-12 and 14 each depend from claim 1, it follows that Ahmad also fails to anticipate claims 2-12 and 14.

In addition, the Examiner's anticipation rejection of claim 14 over Ahmad is necessarily improper, because the Examiner has admitted that Ahmad does not teach all of the limitations of claim 14. In particular, when rejecting claim 13 on grounds of obviousness, the Examiner stated, "Ahmad et al failed to teach 'determining whether the client device is authorized to receive content.'" Yet "determining whether the client device is authorized to receive content" is an element of claim 14, since claim 14 depends directly from claim 13. Consequently, the Examiner has admitted that Ahmad fails to teach an element of claim 14 and has thereby established that Ahmad does not anticipate claim 14.

6. Response to § 103 Rejection

As noted above, the Examiner rejected claim 13 as being allegedly obvious over a combination of Ahmad and Shrader. Applicant submits that this rejection is improper and should be withdrawn, because the Examiner has not established that the combination of Ahmad and Shrader teaches each and every element of claim 13 as would be required to support an obviousness rejection under M.P.E.P. § 2143.

Claim 13 depends ultimately from claim 1 and incorporates all of the limitations of claim 1. As explained above, Ahmad does not teach all of the limitations of claim 1. Therefore, it follows that Ahmad does not teach all of the limitations of claim 13 either. Further, the Examiner has not established that Shrader makes up for the deficiency of Ahmad. Consequently, the Examiner has not made out a *prima facie* case of obviousness of claim 13 over the combination of Ahmad and Shrader.

7. Conclusion

For the foregoing reasons, Applicant submits that claims 1-14 are in condition for allowance. Applicant thus respectfully requests favorable reconsideration. Should the Examiner wish to discuss this case with the undersigned, the Examiner is welcome to call the undersigned at (312) 913-2141.

Respectfully submitted,

**MCDONNELL BOEHNEN
HULBERT & BERGHOFF LLP**

By:


Lawrence H. Aaronson
Reg. No. 35,818

Date: November 7, 2005